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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO
06/ 635,390	07/30/84	GOLD	E 2328

ANITA W. MAGATTI
SCHERING-PLOUGH CORP.,
PATENT DEPT., M-3-WEST
ONE GIRALDA FARMS
MADISON, NJ 07940-1000

EXAMINER	
ART UNIT	PAPER NUMBER
123	3

DATE MAILED: 04/18/85

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ day(s) from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-31 are pending in the application.
Of the above, claim 31 is withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-30 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Art Unit 123

Restriction to one of the following distinct and separate inventions is required under 35 U.S.C. 121.

I. Claims 1-30 drawn to compounds, method of use and composition.

II. Claim 31 drawn to process of forming an intermediate.

The intermediate is considered separate and distinct from the final product since other intermediates can be used for the formation of the final product.

Pursuant to telephonic election by Ms. Maghti of I (claims 1-30) with traverse, claim 31 is withdrawn from further consideration by the Examiner as being drawn to non-elected invention, 37 CFR 1.142(b).

Claim 26 is rejected under 35 U.S.C. 112, second paragraph as being an incomplete claim in not reciting the utility for the instant composition.

Claims 1-30 are rejected under 35 U.S.C. 101 as constituting double patenting over the claims of parent patent Serial No. 258,484 which claims encompass the instant claims.

Claims 1-30 are rejected under 35 U.S.C. 103 as being obvious over the Hoeffle et al. and Vincent et al. patents. The Vincent et al. patent shows that the instant ring system substituted by sulfur can be expected to have the antihypertensive utility. The Hoeffle patent indicates the octahydroindole aminoacyl derivative would have antihypertensive activity. The Vincent et al. patent establishes the equivalence of the ring systems, therefore it is considered that the instant combination of references is proper and renders the claims obvious.

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Art Unit 123

Any inquiry concerning this communication should
be directed to Examiner Phillips at telephone number
703-557-3920.

4-15-85:cdc

Delbert R. Phillips

DELBERT R. PHILLIPS
PRIMARY EXAMINER
ART UNIT 123

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